

Remarks

Applicants have amended claims 1 and 34 to make explicit that which was implicit, namely, that the promoter sequence referred to must exhibit IL-18BP promoter activity. Support for the amendment can be found throughout the specification, and for example at page 10, lines 9-24, and Examples 4-11. Accordingly, no new matter is introduced by the amendments and their entry is respectfully requested.

The Examiner contended that the claims lack a shared special technical feature because the claim did not explicitly require that the fragment exhibit any function. Applicants have amended claim 1 to make explicit that which was implicit, namely, that the fragment is required to exhibit promoter function. The special technical feature of the claims is IL-18BP promoter activity. This special technical feature is present in all the product claims, method of making the product claims and method of using the product claims, and covers all the alleged separate species outlined by the Examiner on page 4 of the Office Action (see, 37 C.F.R. 1.475(b)(3)). Therefore, Applicants respectfully request that the claims comply with the PCT Rule 13.1 and 13.2.

Accordingly, in view of the above, the Applicants submit that the restriction requirement should be withdrawn.

In response to the Restriction Requirement, the Applicants elect Group I with traverse. Applicants also elect species SEQ ID NO:2, IFN-beta as a heterologous gene, CHO as a host cell, and adeno associated virus as a virus vector,

Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance. Early and favorable action is requested.

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In the event that any additional fees are required, the Commissioner is hereby is authorized to charge our deposit account No. 50-0850.

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Respectfully submitted,

/Leena H. Karttunen/

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